

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
SHAW FAMILY ARCHIVES, LTD., EDITH :
MARCUS and META STEVENS, :
 :
Plaintiffs, : Case No. 05 Civ. 3939 (CM)
 :
-against- : Hon. Colleen McMahon
 :
CMG WORLDWIDE, INC. and MARILYN :
MONROE LLC, :
 :
Defendants. :
----- X

DECLARATION OF JONATHAN NEIL STRAUSS

JONATHAN NEIL STRAUSS, pursuant to 28 U.S.C. § 1746, declares as follows:

1. I am associated with the firm Loeb & Loeb LLP, attorneys for Defendant Marilyn Monroe LLC ("MMLLC") in this matter. I am admitted to practice before this Court and respectfully submit this declaration in support of MMLLC's Opposition to Plaintiff's Motion for summary judgment on the issue of domicile.
2. Attached hereto as Exhibit 1 is a true and correct copy of Marilyn Monroe's death certificate.
3. Attached hereto as Exhibit 2 is a true and correct copy of Norma Jean Mortenson's (Marilyn Monroe's) birth certificate.
4. Attached hereto as Exhibit 3 is a true and correct copy of an article by Phillip K. Scheffer, "Wolves Howl for 'Niece' Just Like Marilyn Monroe," Los Angeles Times, August 27, 1950.

5. Attached hereto as Exhibit 4 is a true and correct copy of an article entitled, "Question: Dumb blonde or bluntly honest?", Cosmopolitan, May 1953.

6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the book entitled, *Marilyn Monroe: In the Camera Eye* (Peebles Press Hamlyn Publishing Group Limited 1979), with commentary by Sam Shaw.

7. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the book entitled, *The Unabridged Marilyn Her Life from A to Z*, by Randall Riese and Neal Hitchens (Congdon & Weed, Inc. 1987).

8. Attached hereto as Exhibit 7 is a true and correct copy of a June 25, 1953 letter from Loyd Wright, Jr. to Marilyn Monroe on her residence at 882 No. Doheny Drive, Los Angeles, California.

9. Attached hereto as Exhibit 8 is a true and correct copy of a Deeco, Inc. Delivery Memo, Delivery to J. DiMaggio (Marilyn Monroe), 508 N. Palm Drive, Beverly Hills.

10. Attached hereto as Exhibit 9 is a true and correct copy of an April 29, 1954 lease agreement between Cecil C. Hutchens and Charlotte Hutchens and Marilyn Monroe DiMaggio for a residence at 508 North Palm, Beverly Hills, California.

11. Attached hereto as Exhibit 10 is a true and correct copy of a June 24, 1954 Letter from Loyd Wright, Jr. to Marilyn DiMaggio at her Beverly Hills, California address.

12. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the book entitled, *Marilyn Monroe: The Biography*, by Donald Spoto (Harper Collins 1993).

13. Attached hereto as Exhibit 12 is a true and correct copy of an article entitled "Tells Inside Story When Marilyn Became Model," Los Angeles Evening and Sunday Herald Examiner, August 7, 1962.

14. Attached hereto as Exhibit 13 is a true and correct copy of a December 3, 1946 Letter Agreement between Twentieth Century Fox Film Corporation and Norma Jean Dougherty, indicating that Norma Jeane's professional name would be Marilyn Monroe.

15. Attached hereto as Exhibit 14 is a true and correct copy of an article entitled "Merger of Two Worlds: Marilyn and Joe Find a Secret Wedding is Not for Them", Life, January 25, 1954, pgs 32-33.

16. Attached hereto as Exhibit 15 is a true and correct copy of an article entitled "Marilyn Monroe, DiMaggio Married," Los Angeles Examiner, January 15, 1954, A1.

17. Attached hereto as Exhibit 16 is a true and correct copy of an article entitled "Joltin' Joe DiMaggio; No Longer a Loner." Independent, Gallup, New Mexico, September 28, 1976.

18. Attached hereto as Exhibit 17 is a true and correct copy of excerpts from the book entitled, *Marilyn Among Friends*, by Sam Shaw and Norman Rosten (Bloomsbury Publishing Ltd. 1987).

19. Attached hereto as Exhibit 18 is a true and correct copy of an Agreement made in the City of New York between Milton Greene and Marilyn Monroe Productions, dated January 2, 1956.

20. Attached hereto as Exhibit 19 is a true and correct copy of an article entitled "Miller Love Came Even Before Joe In Marilyn's Life," San Mateo Times, July 11, 1956.

21. Attached hereto as Exhibit 20 is a true and correct copy of an article entitled "Marilyn Married to Miller Second Time in Jewish Rites, " The Post-Standard, July 3, 1956.

22. Attached hereto as Exhibit 21 is a true and correct copy of an article entitled "Marilyn's new life," by Jack Hamilton, Look, October 1, 1957, pgs. 110-115.

23. Attached hereto as Exhibit 22 is a true and correct copy of a collection of phone bills addressed to Marilyn Monroe at her Roxbury, Connecticut residence.

24. Attached hereto as Exhibit 23 is a true and correct copy of a June 3, 1958 Receipt from Torrington Supply Co. to Mr. Arthur Miller, Roxbury, Connecticut.

25. Attached hereto as Exhibit 24 is a true and correct copy of an August 29, 1958 Receipt from Bridgeport Specialties, Inc. to Mr. Arthur Miller, Roxbury, Connecticut.

26. Attached hereto as Exhibit 25 is a true and correct copy of a November 22, 1958 Receipt from Meadowview Nursery to Mr. Arthur Miller, Roxbury, Connecticut.

27. Attached hereto as Exhibit 26 is a true and correct copy of a September 27, 1961 letter from Elliot J. Lefkowitz to Marjorie Stengel, attaching a February 24, 1958 letter agreement and rider to lease between 444 Management and Arthur Miller.

28. Attached hereto as Exhibit 27 is a true and correct copy of Marilyn Monroe's Statement of Receipts, Disbursements and Withholds, City National Bank of Beverly Hills and Irving Trust Company, January 1962.

29. Attached hereto as Exhibit 28 is a true and correct copy of Marilyn Monroe's Statement of Receipts, Disbursements and Withholds, City National Bank of Beverly Hills and Irving Trust Company, February 1962.

30. Attached hereto as Exhibit 29 is a true and correct copy of Marilyn Monroe's Statement of Receipts, Disbursements and Withholds, City National Bank of Beverly Hills and Irving Trust Company, March 1962.

31. Attached hereto as Exhibit 30 is a true and correct copy of Marilyn Monroe's Statement of Receipts, Disbursements and Withholds, City National Bank of Beverly Hills and Irving Trust Company, April 1962.

32. Attached hereto as Exhibit 31 is a true and correct copy of Marilyn Monroe's Statement of Receipts, Disbursements and Withholds, City National Bank of Beverly Hills and Irving Trust Company, May 1962.

33. Attached hereto as Exhibit 32 is a true and correct copy of Marilyn Monroe's Statement of Receipts, Disbursements and Withholds, City National Bank of Beverly Hills and Irving Trust Company, June 1962.

34. Attached hereto as Exhibit 33 is a true and correct copy of Marilyn Monroe's Statement of Receipts, Disbursements and Withholds, City National Bank of Beverly Hills and Irving Trust Company, July 1962.

35. Attached hereto as Exhibit 34 is a true and correct copy of Marilyn Monroe's Statement of Receipts, Disbursements and Withholds, City National Bank of Beverly Hills and Irving Trust Company, August 1962.

36. Attached hereto as Exhibit 35 is a true and correct copy of a February 9, 1962 letter from Cherie Redmond to Milton Rudin.

37. Attached hereto as Exhibit 36 is a true and correct copy of a November 30, 1961 letter from Julius Winokur to State of New York Department of Taxation and Finance.

38. Attached hereto as Exhibit 37 is a true and correct copy of an April 1, 1963 letter to Aaron R. Frosch from State of New York, Department of Taxation and Finance.

39. Attached hereto as Exhibit 38 is a true and correct copy of an April 3, 1963 letter to Income Tax Bureau, Department of Taxation and Finance, from Howard O. LeShaw.

40. Attached hereto as Exhibit 39 is a true and correct copy of Marilyn Monroe's Declaration of Trust for Gladys Baker, dated October 22, 1959.

41. Attached hereto as Exhibit 40 is a true and correct copy of a Warrantee Deed, Marilyn Monroe Miller to Arthur Miller, January 19, 1961.

42. Attached hereto as Exhibit 41 is a true and correct copy of Marilyn Monroe's State of Connecticut Motor Vehicle Operator's License.

43. Attached hereto as Exhibit 42 is a true and correct copy of a June 13, 1962 letter from Marilyn Monroe's secretary to Connecticut Department of Motor Vehicles.

44. Attached hereto as Exhibit 43 is a true and correct copy of Marilyn Monroe and Arthur Miller's Divorce Decree.

45. Attached hereto as Exhibit 44 is a true and correct copy of a June 4, 1962 letter from Cherie Redmond to Jack Ostrow.

46. Attached hereto as Exhibit 45 is a true and correct copy of Marilyn Monroe's Schedule of Rental Payments for 882 No. Doheny Drive from August 1961 through July 1962.

47. Attached hereto as Exhibit 46 are true and correct copies of receipts for furniture purchases addressed to Marilyn Monroe at her 882 No. Doheny, Los Angeles, California address.

48. Attached hereto as Exhibit 47 is a true and correct copy of a November 6, 1961 letter from Aaron Frosch to Milton Rudin, indicating that Monroe paid approximately \$13,000 for furnishings for her Beverly Hills apartment.

49. Attached hereto as Exhibit 48 is a true and correct copy of a November 6, 1961 letter from Aaron Frosch to Rovins & West, Inc. indicating that Monroe obtained insurance for her apartment at 882 No. Doheny Drive, Beverly Hills, California.

50. Attached hereto as Exhibit 49 is a true and correct copy of a November 13, 1961 letter from Aaron Frosch to Milton Rudin, confirming fire insurance on Monroe's Beverly Hills apartment.

51. Attached hereto as Exhibit 50 are true and correct copies of invoices from TWL Designs, Inc. to Marilyn Monroe at her Beverly Hills apartment.

52. Attached hereto as Exhibit 51 is a true and correct copy of a February 5, 1962 agreement between Marilyn Monroe and TWL Designs, Inc. related to interior decorating of Monroe's California apartment.

53. Attached hereto as Exhibit 52 is a true and correct copy of excerpts from the book entitled, *Marilyn: The Last Months*, by Eunice Murray and Rose Shade (Pyramid 1975).

54. Attached hereto as Exhibit 53 is a true and correct copy of a February 9, 1962 letter from Aaron Frosch to Rovins & West, Inc. indicating that Cherie Redmond was Monroe's secretary.

55. Attached hereto as Exhibit 54 is a true and correct copy of a February 25, 1962 letter from Cherie Redmond, Marilyn Monroe's secretary, to Hedda Rosten.

56. Attached hereto as Exhibit 55 is a true and correct copy of a April 3, 1956 Agreement between Marilyn Monroe Productions and Inez Melson, addressed to her in Los Angeles, California.

57. Attached hereto as Exhibit 56 is a true and correct copy of a September 18, 1958 letter from Inez Melson at her Los Angeles, California address to Marilyn Monroe.

58. Attached hereto as Exhibit 57 is a true and correct copy of the transcript of an interview with Inez Melson.

59. Attached hereto as Exhibit 58 are true and correct copies of documents, dated January through March 1962 relating to the transfer of Marilyn Monroe's 1956 Ford Thunderbird.

60. Attached hereto as Exhibit 59 is a true and correct copy of an April 16, 1962 letter from Ebenstein & Company to Marilyn Monroe at her California address regarding auto insurance for Monroe.

61. Attached hereto as Exhibit 60 is a true and correct copy of a Certified Grant Deed to Marilyn Monroe's house in Los Angeles, California, dated January 22, 1962 and recorded on February 8, 1962 in the Los Angeles County Recorder's Office.

62. Attached hereto as Exhibit 61 is a true and correct copy of a City National Bank of Beverly Hills, spreadsheet regarding payment of principal and interest due on the mortgage for Marilyn Monroe's house at 12305 5th Helena Drive, Los Angeles, California.

63. Attached hereto as Exhibit 62 is a true and correct copy of a January 30, 1962 Deed of Trust between Marilyn Monroe, Title Insurance Trust Company, and City National Bank of Beverly Hills.

64. Attached hereto as Exhibit 63 is a true and correct copy of an article entitled, "A Last Long Talk With a Lonely Girl," by Richard Meryman, Life, August 17, 1962, pgs. 32-33.

65. Attached hereto as Exhibit 64 is a true and correct copy of an article entitled, "Marilyn's confidante: The woman Mailer forgot to interview", by Maurice Zolotow, Chicago Tribune, September 11, 1973.

66. Attached hereto as Exhibit 65 is a true and correct copy of excerpts from the book entitled, *From Right to Left, An Autobiography*, by Frederick Vanderbilt Field (Lawrence Hill & Co. 1983).

67. Attached hereto as Exhibit 66 is a true and correct copy of a May 9, 1962 letter and receipts from Edgardo Acosta Gallery to Marilyn Monroe at 12305 Fifth Helena Drive, Los Angeles, California.

68. Attached hereto as Exhibit 67 is a true and correct copy of an article entitled, "Mystery Phone Call Received by Marilyn," by Frank Laro and Bill Beebe, Los Angeles Times, August 7, 1962.

69. Attached hereto as Exhibit 68 is a true and correct copy of a March 8, 1962 letter from Cherie Redmond to Hedda Rosten.

70. Attached hereto as Exhibit 69 is a true and correct copy of excerpts from the book entitled, *Marilyn: An Untold Story*, by Norman Rosten (Signet 1973).

71. Attached hereto as Exhibit 70 is a true and correct copy of a February 2, 1962 letter from Marilyn Monroe to Bobby Miller.

72. Attached hereto as Exhibit 71 is a true and correct copy of a February 2, 1962 letter from Marilyn Monroe to Isidore Miller.

73. Attached hereto as Exhibit 72 is a true and correct copy of a March 26, 1962 letter from Cherie Redmond to the Actors' Studio.

74. Attached hereto as Exhibit 73 is a true and correct copy of an April 4, 1962 letter from Cherie Redmond to the Actors' Studio.

75. Attached hereto as Exhibit 74 is a true and correct copy of an April 5, 1962 letter from Marilyn Monroe's secretary to the Screen Actors Guild.

76. Attached hereto as Exhibit 75 is a true and correct copy of a May 21, 1962 letter from Marilyn Monroe's secretary to Lillian Klein.

77. Attached hereto as Exhibit 76 is a true and correct copy of a March 12, 1962 letter from Martin Gang to Julius Winokur.

78. Attached hereto as Exhibit 77 is a true and correct copy of a May 11, 1962 letter from Cherie Redmond to Hedda Rosten.

79. Attached hereto as Exhibit 78 is a true and correct copy of a May 14, 1962 memo from Cherie Redmond to Mickey Rudin.

80. Attached hereto as Exhibit 79 is a true and correct copy of a June 13, 1962 memo from Cherie Redmond to Milton A. Rudin.

81. Attached hereto as Exhibit 80 is a true and correct copy of a May 25, 1962 memo from Cherie Redmond to Jack Ostrow.

82. Attached hereto as Exhibit 81 is a true and correct copy of an August 21, 1962 letter to Jack Ostrow at his Los Angeles, California address from Milton Rudin.

83. Attached hereto as Exhibit 82 is a true and correct copy of a March 2, 1965 letter to Julius Winokur from Howard LeShaw 3/2/65.

84. Attached hereto as Exhibit 83 is a true and correct copy of a letter from Hedda Rosten to Cherie Redmond.

85. Attached hereto as Exhibit 84 is a true and correct copy of a letter from Cherie Redmond to Hedda Rosten.

86. Attached hereto as Exhibit 85 is a true and correct copy of a March 7, 1962 letter from Cherie Redmond to Martin Gang.

87. Attached hereto as Exhibit 86 is a true and correct copy of an April 25, 1962 letter from Julius Winokur to Cherie Redmond.

88. Attached hereto as Exhibit 87 is a true and correct copy of a December 19, 1961 letter from Marilyn Monroe to Lee Strasberg.

89. Attached hereto as Exhibit 88 is a true and correct copy of an April 27, 1962 letter from Cherie Redmond to Hedda Rosten.

90. Attached hereto as Exhibit 89 is a true and correct copy of an article entitled, "Stellar Cast Looms for Marilyn's Movie," by Hedda Hopper, Los Angeles Times, May 2, 1962.

91. Attached hereto as Exhibit 90 is a true and correct copy of an article entitled, "Marilyn Monroe's Last Picture Show," by Walter Bernstein, Esquire, July 1973, pgs. 104-08, 173.

92. Attached hereto as Exhibit 91 is a true and correct copy of Marilyn Monroe's 1962 itinerary.

93. Attached hereto as Exhibit 92 is a true and correct copy of an article entitled, "Crowd Hails Kennedy at N.Y. Rally," Los Angeles Times, May 20, 1962 .

94. Attached hereto as Exhibit 93 is a true and correct copy of an article entitled, "Simple Rites for Marilyn," Los Angeles Evening and Sunday Herald Examiner, August 7, 1962.

95. Attached hereto as Exhibit 94 is a true and correct copy of a list of individuals invited to attend Marilyn Monroe's Funeral Service.

96. Attached hereto as Exhibit 95 is a true and correct copy of a letter from Marilyn Monroe to Joe DiMaggio together with a January 26, 1988 statement of provenance by Fred Lawrence Guiles.

97. Attached hereto as Exhibit 96 is a true and correct copy of an article entitled, "Joe's Plan to be Near Marilyn," San Francisco Chronicle, August 14, 1962.

98. Attached hereto as Exhibit 97 is a true and correct copy of an August 8, 1962 Notice regarding Services for Marilyn Monroe's Funeral.

99. Attached hereto as Exhibit 98 is a true and correct copy of an Answering Affidavit of Aaron Frosch, filed in New York Surrogate's Court and dated January 15, 1973.

100. Attached hereto as Exhibit 99 is a true and correct copy of Marianne Kris's Objections to the Settlement of Account of Aaron Froach, filed in New York Surrogate's Court and dated October 23, 1980.

101. Attached hereto as Exhibit 100 is a true and correct copy of a settlement agreement between Aaron Frosch, as Executor for Estate of Marilyn Monroe, Dr. Anton Kris and Dr. Anna Wolff, co-executors of the Estate of Marianne Kris, Anna Strasberg, Executrix of the Estate of Lee Strasberg, and other beneficiaries of Monroe's estate, dated July 19, 1984.

102. Attached hereto as Exhibit 101 is a true and correct copy of an Accounting of Anna Strasberg as Administratrix of the Estate of Marilyn Monroe, received by the New York Surrogate's Court on December 11, 2000.

103. Attached hereto as Exhibit 102 is a true and correct copy of a Petition for judicial settlement of final account by Anna Strasberg as Administratrix of the Estate of Marilyn Monroe and for an Order authorizing the formation of MMLLC, dated October 18, 2000.

104. Attached hereto as Exhibit 103 is a true and correct copy of a letter from Eliot J. Lefkowitz to Hattie Stephenson Amos, dated January 14, 1966.

105. Attached hereto as Exhibit 104 is a true and correct copy of a letter from Eliot J. Lefkowitz to Patricia Newcomb, dated January 10, 1966.

106. Attached hereto as Exhibit 105 is a true and correct copy of a letter from Eliot J. Lefkowitz to Hermione Brown, dated January 27, 1966.

107. Attached hereto as Exhibit 106 is a true and correct copy of a letter from Eliot J. Lefkowitz to Ralph Roberts, dated January 27, 1966.

108. Attached hereto as Exhibit 107 is a true and correct copy of a memo from Eliot J. Lefkowitz to Aaron Frosch, dated November 9, 1966.

109. Attached hereto as Exhibit 108 is a true and correct copy of a September 21, 1966 letter from Hermione K. Brown to Inez Melson.

110. Attached hereto as Exhibit 109 is a true and correct copy of a Memorandum in Support of Appeal by Aaron Frosch, Executor of the Monroe Estate, before the California Board of Equalization, dated December 7, 1972.

111. Attached hereto as Exhibit 110 is a true and correct copy of an Order Fixing Tax on Report, dated January 20, 1970.

112. Attached hereto as Exhibit 111 is a true and correct copy of a Petition for Designation of Appraiser, by Aaron Frosch, as Executor of Monroe's Estate, filed in New York Surrogate's Court and dated July 27, 1964.

113. Attached hereto as Exhibit 112 is a true and correct copy of a Petition for Final Accounting, by Aaron Frosch, filed in New York Surrogate's Court and dated August 14, 1980.

114. Attached hereto as Exhibit 113 is a true and correct copy of a Petition Pursuant to SCPA 2103 for Discovery of Property Withheld with Temporary Restraining Order, filed in New York Surrogate's Court and dated October 20, 1988.

115. Attached hereto as Exhibit 114 is a true and correct copy of the Petition of Anna Strasberg for Letters of Administration, filed in New York Surrogate's Court and dated July 17, 1989.

116. Attached hereto as Exhibit 115 is a true and correct copy of the Verified Petition of Anna Strasberg as Administratrix of Monroe's estate, Pursuant to SCPA 2103 for Discovery of Books, Records, and Memoranda Withheld, dated July 28, 1989.

117. Attached hereto as Exhibit 116 is a true and correct copy of excerpted pages of the deposition transcript of Anna Strasberg, dated January 4, 2008.

118. Attached hereto as Exhibit 117 is a true and correct copy of Anna Strasberg's, as Administratrix of Monroe's estate Reply Memorandum in Support of Motion to Dismiss, dated December 10, 1992 in the *Nancy Miracle* litigation.

119. Attached hereto as Exhibit 118 is a true and correct copy of the Petition of Nancy Miracle, dated February 26, 2002, filed in the New York Surrogate's Court.

120. Attached hereto as Exhibit 119 is a true and correct copy of a June 13, 2002 Order of the New York Surrogate's Court, in the *Nancy Miracle* litigation.

121. Attached hereto as Exhibit 120 is a true and correct copy of a February 5, 2003 Order of the New York Surrogate's Court, in the *Nancy Miracle* litigation.

122. Attached hereto as Exhibit 121 is a true and correct copy of an article entitled, "Cyd Charisse Third Star Cast in Film," by Hedda Hopper, Los Angeles Times, April 4, 1962, at C12.

123. Attached hereto as Exhibit 122 is a true and correct copy of excerpted pages of the deposition transcript of Mark Roesler, dated December 26, 2007.

124. Attached hereto as Exhibit 123 is a true and correct copy of excerpts from the book entitled, *Marilyn Monroe. The Life, The Myth* (Rizzoli New York 1995).

125. Attached hereto as Exhibit 124 is a true and correct copy of the complaint filed in: *Anna Strasberg v. Odyssey Group, Inc.* filed in the California Supreme Court on October 6, 1994.


126. Attached hereto as Exhibit 125 is a true and correct copy of the Affirmation of Trudy L. Boulia in *Steele v. Anderson*, Civ. A. 03-1251, U.S.D.C (N.D.N.Y 2003).

127. Attached hereto as Exhibit 126 is a true and correct copy of the Certificate of Formation of Marilyn Monroe, LLC, dated July 5, 2001.

128. Attached hereto as Exhibit 127 is a true and correct copy of a January 29, 2008 letter from Christopher Serbagi to Paula Colbath enclosing production documents.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 13th day of March, 2008, in New York, New York.


Jonathan N. Strauss

NY707907.2